

## **REMARKS**

Applicant is in receipt of the Office Action mailed May 19, 2005. Claims 32-57 have been amended. Thus, claims 1-16, 19-23, and 29-59 (including renumbered claims) remain pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Objections**

Claims 32-57 were objected to because of numbering errors. These claims have been renumbered accordingly, per the Examiner's request. Removal of the objection to these claims is respectfully requested.

### **Section 103 Rejections**

Claims 1-16, 19-23, 29-42, and 50-59 were rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al., (U.S. Patent No. 6,745,274, "Snyder") in view of AAPA and further in view of Inohara et al., (U.S. Patent No. 6,377,952, "Inohara"). Applicant respectfully traverses the rejection.

Claim 1 recites:

1. (Previously Presented) A computer-implemented method for accessing data from a semaphore in a computer system, comprising:

including a first software component in a first application, wherein the first software component is operable to access data from the semaphore, wherein the semaphore is stored in a computer memory, wherein the semaphore is operable to store data of any of a plurality of different data types, wherein the data comprised in the semaphore has a first data type of the plurality of different data types;

executing the first application;

receiving a uniform resource locator (URL) which specifies a location of the semaphore, wherein URL is received in response to user input;

the first software component connecting to the computer memory using the location information;

the first software component accessing the data comprised in the semaphore; and the first software component converting the data into a format useable by the first application after the first software component connects to the computer memory and receives the data.

The Examiner asserts that Snyder teaches that a “semaphore is operable to store data of any of a plurality of different data types”. Applicant respectfully submits that the Examiner has mischaracterized Snyder. For example, the Examiner asserts that Snyder’s semaphore register 156 is operable to store a device’s unique identifier (the semaphore owner’s ID) as well as the (unlock) value 0x7F, and that these data are of different formats, which the Examiner equates to being of different data types. Applicant respectfully disagrees.

First, as argued previously, Applicant submits that Snyder is silent as to data type regarding the unique identifier and the unlock value (0x7F), and that the Examiner has engaged in improper speculation as to the nature of the data stored in Snyder’s semaphore register. Moreover, the Examiner’s assertion that the unlock value and the unique identifiers have different formats is also unfounded, as Snyder is also silent on this issue.

Applicant submits that Snyder’s unlock value 0x7F is simply a sentinel value of the semaphore, that the unique identifier referred to in Snyder is also simply a value, and that Snyder in no way indicates that these data are of different data types. In fact, Applicant notes that Snyder’s col. 4, line 63 – col. 5, line 6, reads:

The transaction that contains these requests can contain the following fields: CSR\_address 128; **CSR write data 130**; and update\_register 132. The CSR\_address field 128 represents the address of the semaphore registers 156, 158. The previous and current semaphore registers 156, 158 have the same memory address which is denoted as semaphore\_reg\_address 134. **The CSR write data field 130 contains the data that will be written into the current semaphore register 156 which is either the unlock value, 0x7F, or the unique identifier of the device requesting access to the semaphore...**

Thus, Snyder actually indicates that the unlock value and the unique identifier are of the same data type, since each is stored in the same data field, specifically, the CSR

write data field, which presumably has a single data type. Thus, Applicant submits that Snyder fails to teach “wherein the semaphore is operable to store data of any of a plurality of different data types”.

Additionally, Applicant notes that Snyder’s semaphore data (unique identifier and unlock value) are stored in hardware register 156, whereas in Applicant’s invention as represented in claim 1, “the semaphore is stored in a computer memory”. Applicant notes that nowhere does the present Applicant mention registers at all. Thus, Applicant respectfully submits that Snyder also fails to teach this feature of claim 1.

The Examiner admits that Snyder fails to teach “receiving a uniform resource locator (URL) which specifies a location of the semaphore, wherein URL is received in response to user input; the first software component connecting to the computer memory using the location information; the first software component accessing the data comprised in the semaphore; and the first software component converting the data into a format useable by the first application after the first software component connects to the computer memory and receives the data”, but asserts that “it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of AAPA and Snyder to incorporate a URL to specify the location of the semaphore because using a URL universalizes access to the location of the object.” Applicant submits that the combination is improper, and that even were the combination of Snyder and AAPA proper, which Applicant argues it is not, the alleged combination would still not produce Applicant’s invention as claimed. For example, the cited portion of AAPA reads:

When a program executing on a computer system is required to access data, such as from a semaphore, the program is often required to account for the source or location of the data, opening and closing of files, the format of the data, and conversion of the data to readable formats, among others.

Nowhere does the AAPA citation (nor the AAPA in its entirety) teach or suggest, mention, or even hint at, using a URL to specify the location of the semaphore. Applicant also notes that the only motivation to combine suggested by the Examiner is

that “the URL makes it easier to access the location because you can access it from anywhere.”

Applicant respectfully reminds the Examiner that as held by the U.S. Court of Appeals for the Federal Circuit in *Ecolochem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as hindsight analysis. In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings “must be clear and particular . . . . Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination.

Applicant submits that the Examiner has simply cited an improved result of the alleged combination without any initial suggestion in the prior art to make such a combination. Thus, Applicant submits that the Examiner’s attempted combination is improper.

The Examiner also admits that Snyder fails to teach “where the first software component after accessing the data comprised in the semaphore, converting the data into a format useable by the first application”, but asserts that Inohara teaches “the invention related to a file format conversion method suitable for a plurality of computers to exchange over the World Wide Web information have a plurality of file formats”, citing Inohara’s Abstract, col. 1, lines 8-17, which reads:

In order to perform **format conversion between the formats of a plurality of files** without any work by a user, a file system stores a relation **between a conversion originating file and a conversion destination file**, and synchronously with an issue of a file operation API, the format conversion processes are executed. A user performs only the tasks essential for an application, without taking into consideration various necessary format conversions (either one-step or multi-step). During the user task, it is not necessary to designate a conversion originating file and

a timing of format conversion. A user can use always a latest conversion destination file. (*emphasis added*)

Applicant notes that Inohara is directed to *file formats*, and conversion of *files* between such formats, whereas this feature of claim 1 relates to accessing and converting data from or in the semaphore, which is quite distinct from Inohara's file format conversions. Applicant thus submits that Inohara actually *teaches away* from Applicant's invention as represented in claim 1.

Applicant respectfully submits that neither Snyder nor Inohara provides a motivation to combine. For example, nowhere does Snyder suggest or hint at the desirability of data format conversion of data read from Snyder's semaphore register, and in fact, as noted above, Snyder is silent as to any formatting of the unique identifier and unlock value. Additionally, Inohara fails to suggest or hint at the desirability of accessing semaphores over a network, and in fact, fails to mention semaphores at all. Thus, Applicant submits that the attempted combination of Snyder and Inohara is improper. Moreover, Applicant further submits that even were Snyder and Inohara (and AAPA) properly combinable, which Applicant argues they are not, the alleged combination would still not produce Applicant's invention as claimed, as argued in detail above.

Thus, for at least the reasons provided above, Applicant submits that Snyder, AAPA, and Inohara, taken singly or in combination, fail to teach all the features and limitations of claim 1, and so claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art.

As argued in the previous Response, which is hereby incorporated by reference in its entirety, claims 19, 29, 35, 42, 45, and 55 (where claims 35, 42, 45, and 55 are the corrected claim numbers) include various of the novel limitations of claim 1, and so, in addition to the arguments provided in the previous Response, the above respective arguments directed to these limitations apply with equal force to these claims. Thus, for at least the reasons provided above (and previously), Applicant respectfully submits that claims 19, 29, 35, 42, 45, and 55, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art.

Removal of the 103 rejection of claims 1-16, 19-23, 29-42, and 50-59 is respectfully requested.

Regarding claims 43 and 49, Applicant submits that since the base claims of these dependents have been shown to be allowable, these claims are also allowable for at least the reasons provided above.

Removal of the 103 rejection of claims 43 and 49 is respectfully requested.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-50200/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Check in the amount of \$            for fees (        ).
- ☐ Other:

Respectfully submitted,



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